

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DALAEJA FOREMAN and BRYANT ARACENA,

Plaintiffs,

- against -

METROPOLITAN TRANSPORTATION  
AUTHORITY, MTA P.O. RYAN McHALE, MTA  
P.O. JOSEPH CASALE, MTA P.O. C. DOHERTY,  
MTA SGT. CARL SULLIVAN, SGT.  
"JOHN" BURDI, LT. "JOHN" PERRAULT,  
CITY OF NEW YORK, and NYPD P.O.s  
JOHN and JANE DOE #1-10, individually and  
in their official capacities, (the names  
John and Jane Doe being fictitious, as the  
true names are presently unknown),  
Defendants.

**ORDER**

21 Civ. 3774 (NRB)

-----X  
**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

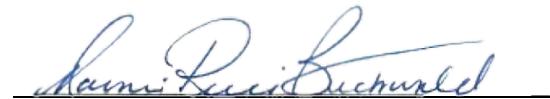
Having reviewed the pre-motion letters submitted by defendant City of New York and the plaintiffs, dated August 5, 2021 and August 10, 2021, the Court has determined that defendant City of New York may bring its motion without the necessity of a pre-motion conference.

Plaintiffs are reminded that if, consistent with Rule 11, they can assert additional allegations to cure any alleged deficiencies raised by defendant City of New York's letter, it would be in the best interest of both the parties and the Court for plaintiffs to assert them now, before briefing on the proposed

motion. Plaintiffs are thus granted leave to file an amended complaint within two weeks of this Order. At that time, if no amended complaint has been filed, the parties should confer on a briefing schedule agreeable to both sides, in which no more than sixty days elapse from the filing of defendant City of New York's motions to the filing of defendant City of New York's reply.

**SO ORDERED.**

Dated:           New York, New York  
                  August 18, 2021

  
Naomi Reice Buchwald  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE